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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/813,936	03/22/2001	Wayne Morgan John	713-409	1825

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EXAMINER	
CHEVALIER, ALICIA ANN	
ART UNIT	PAPER NUMBER
1772	

DATE MAILED: 06/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/813,936	JOHN ET AL.	
	Examiner	Art Unit	
	Alicia Chevalier	1772	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 April 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *6,7,9,11-14,16,17,21,35-46 and 48-61* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *6,7,9,11-14,16,17 and 21* is/are allowed.

6)☒ Claim(s) *35-39,43,44,49-55,57,59 and 61* is/are rejected.

7)☒ Claim(s) *40-42,45,46,48,56,58 and 60* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 3/2/04
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

RESPONSE TO AMENDMENT

1. Claims 6, 7, 9, 11-14, 16, 17, 21, 35-46 and 48-61 are pending in the application, claims 1-5, 8, 10, 15, 18-20 and 22-34 have been cancelled.

2. Amendments to the claims, filed on April 5, 2004, have been entered in the above-identified application.

WITHDRAWN REJECTIONS

3. The 35 U.S.C. §112, first paragraph rejection of claims 35-46 and 48-57, made of record in paper #15, mailed January 21, 2004, pages 3-4, paragraph #12 have been withdrawn due to Applicant's arguments in the response filed April 5, 2004 on page 9, the 4th paragraph.

NEW REJECTIONS

4. **The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.**

Claim Rejections - 35 USC § 103

5. Claims 35-39, 43, 44, 49-55, 57, 59 and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harvison (U.S. Patent No. 5,380,549) in view of Hedblom et al. (U.S. Patent No. 5,593,246) and evidenced by Applicant's specification.

Harvison discloses an anti-slip tile (*col. 5, line 49*) for providing anti-slip and retroreflective (*title*) properties to roadways and other traffic surfaces (*col. 1, lines 13-19*).

Regarding Applicant's claims 35 and 37, Harvison discloses an anti-slip panel (*i.e. tile, col. 5, line 49*) comprising a substrate (*i.e. base, col. 5, line 57*) and an anti-slip coating (*i.e. anti-slip system, col. 5, line 61*). The substrate has a working surface, i.e. the surface with the anti-slip coating, and is made of a first material (*i.e. glass fibre, col. 5, line 58*) and is deemed to have a first hardness. The anti-slip coating is on the working surface of the substrate (*figure 5*) and made of a second material (*i.e. aluminum oxide particles, col. 2, lines 37-38*) that is deemed to have a second hardness. Applicant discloses that known anti-slip aggregate, such as aluminum oxide or silicon carbide, is a very hard, sharp particulate material and is very difficult to cut or drill (*Applicant's specification, page 1, lines 9-21*). Since aluminum oxide particles are difficult to cut the anti-slip coating is deemed to be cut-resistant. Furthermore, since aluminum oxide particles are known to be very hard and difficult to cut, the second hardness is deemed to be greater than the first hardness.

Harvison fails to disclose that the coating defines a pattern of uncoated, cutting lines on the working surface of the substrate.

Hedblom discloses a pavement marking (*title*) that provides skid-resistant, i.e. anti-slip, and reflective properties to pavement, i.e. road, surfaces (*col. 1, lines 5-8*).

Hedblom discloses an anti-slip panel (*i.e. pavement marking, col. 3, line 41*) comprising a substrate (*i.e. base sheet, col. 3, line 41*) and an anti-slip coating (*skid-resistant particles, col. 4, line 9*) on a working surface of the substrate (*figure 2*). The coating defining patterns of uncoated lines on the working surface of the substrate, since the reference discloses that the substrate has protuberances and the coating is only applied to the protuberances (*col. 4, lines 6-14 and figure 1*). The cutting lines are defined as lines on the substrate that do not have the anti-

slip coating, i.e. a discontinuous anti-slip coating, therefore the uncoated line regions of the anti-slip coating in Hedblom are deemed to be cutting lines. Figure 1 in Hedblom shows that at least two of the cutting lines extend continuously and intersect each other. Also, regarding Applicant's claim 36, Hedblom discloses that the working surface is exposed along the cutting lines, since the reference discloses that the anti-slip coating, i.e. ski-resistant particles are discontinuously applied to the substrate (*col. 4, lines 6-11 and figure 1*).

The patterned panel of Hedblom provides an area for water to reside in the event rain falls on the anti-slip panel and allows light transmission to and from the panel to occur without being impaired by the presence of water (*col. 3, lines 43-48*).

Harvison and Hedblom are analogous because they both discuss anti-slip panels for the pavement or roadway.

It would have been obvious to one of ordinary skill in the art at the time of the invention to use Hedblom's anti-slip coating pattern in the anti-slip panel of Harvison in order to provide a discontinuous anti-slip coating. One of ordinary skill in the art would have been motivated to use Hedblom's discontinuous anti-slip coating pattern because it provides an area for water to reside in the event rain falls on the anti-slip panel and allows light transmission to and from the panel to occur without being impaired by the presence of water (*col. 3, lines 43-48*).

Regarding Applicant's claim 38, Harvison discloses the panel further comprising a base resin (*i.e. first coat of paint, col. 2, line 32*) disposed between the working surface and the substrate and the coating, the base resin bonding the second material of the coating to the working surface of the substrate (*col. 2, lines 29-36*).

Regarding Applicant's claim 39, Harvison discloses the coating is made of a plurality of particles (*i.e. aluminum oxide particles, col. 2, lines 37-38*) of the second material and the base resin (*i.e. first coat of paint, col. 2, line 32*) bonding the particles together (*col. 2, lines 29-36*).

Regarding Applicant's claim 43, Harvison discloses the panel further comprises a top basin (*i.e. second coat of paint, col. 2, line 45*) formed over the coating (*i.e. aluminum oxide particles, col. 2, lines 37-38*) and the cutting lines (*col. 2, lines 44-46*).

Regarding Applicant's claim 44, Harvison discloses that the base resin (*i.e. first coat of paint, col. 2, line 32*) and the top basin (*i.e. second coat of paint, col. 2, line 45*) are made of the same material, since the reference discloses both layers are paint (*col. 2, lines 32-46*).

Regarding Applicant's claims 49-51 and 57, Harvison discloses an anti-slip panel (*i.e. tile, col. 5, line 49*) comprising a substrate (*i.e. base, col. 5, line 57*) and an anti-slip coating (*i.e. anti-slip system, col. 5, line 61*). The substrate has a working surface, i.e. the surface with the anti-slip coating, and is made of a first material (*i.e. glass fibre, col. 5, line 58*) and is deemed to have a first hardness. The working surface is deemed to be adapted to be stepped on, since the panel is designed for roadways and other surfaces (*col. 1, lines 13-19*) that people walk or drive on. The anti-slip coating is on the working surface of the substrate (*figure 5*) and made of a second material (*i.e. aluminum oxide particles, col. 2, lines 37-38*) that is deemed to have a second hardness. Applicant discloses that known anti-slip aggregate, such as aluminum oxide or silicon carbide, is a very hard, sharp particulate material and is very difficult to cut or drill (*Applicant's specification, page 1, lines 9-21*). Since aluminum oxide particles are difficult to cut the anti-slip coating is deemed to be cut-resistant. Furthermore, since aluminum oxide

particles are known to be very hard and difficult to cut the second hardness is deemed to be greater than the first hardness.

Harvison fails to disclose that the working surface has at least one coated region and at least one uncoated region, wherein the uncoated region is devoid of the second material and extends continuously from one edge of the substrate, thereby defining an uncoated cutting line along which the substrate can be cut without cutting the cut-resistant anti-slip coating and the working surface is exposed in the uncoated region.

Hedblom discloses a pavement marking (*title*) that provides skid-resistant, i.e. anti-slip, and reflective properties to pavement, i.e. road, surfaces (*col. 1, lines 5-8*).

Hedblom discloses an anti-slip panel (*i.e. pavement marking, col. 3, line 41*) comprising a substrate (*i.e. base sheet, col. 3, line 41*) and an anti-slip coating (*skid-resistant particles, col. 4, line 9*) on a working surface of the substrate (*figure 2*). The coating defining patterns of uncoated lines on the working surface of the substrate, since the reference discloses that the substrate has protuberances and the coating is only applied to the protuberances (*col. 4, lines 6-14 and figure 1*). The cutting lines are defined as lines on the substrate that do not have the anti-slip coating, i.e. a discontinuous anti-slip coating, therefore the uncoated line regions of the anti-slip coating in Hedblom are deemed to be cutting lines.

Figure 1 in Hedblom shows the working surface has at least one coated region and at least one uncoated region, wherein the uncoated region is devoid of the second material and extends continuously from one edge of the substrate, thereby defining an uncoated cutting line and the working surface is exposed in the uncoated region. Since the cutting line is uncoated it is deemed that the substrate can be cut along the cutting line, without cutting the cut-resistant anti-

slip coating. Regarding claims 51 and 57, Figure 1 in Hedblom shows that at least two of the cutting lines extend continuously and intersect each other and that the uncoated region completely surrounds the coated region.

The patterned panel of Hedblom provides an area for water to reside in the event rain falls on the anti-slip panel and allows light transmission to and from the panel to occur without being impaired by the presence of water (*col. 3, lines 43-48*).

Harvison and Hedblom are analogous because they both discuss anti-slip panels for the pavement or roadway.

It would have been obvious to one of ordinary skill in the art at the time of the invention to use Hedblom's anti-slip coating pattern in the anti-slip panel of Harvison in order to provide a discontinuous anti-slip coating. One of ordinary skill in the art would have been motivated to use Hedblom's discontinuous anti-slip coating pattern because it provides an area for water to reside in the event rain falls on the anti-slip panel and allows light transmission to and from the panel to occur without being impaired by the presence of water (*col. 3, lines 43-48*).

Regarding Applicant's claim 52, Harvison discloses the panel further comprising a base resin (*i.e. first coat of paint, col. 2, line 32*) on the working surface in the coated region, wherein the coating includes a plurality of particles (*i.e. aluminum oxide particles, col. 2, lines 37-38*) of the second material, the particles being embedded in the base resin (*col. 2, lines 29-36 and figure 1*).

Regarding Applicant's claim 53, Harvison discloses the particles are made of aluminum oxide (*i.e. aluminum oxide particles, col. 2, lines 37-38*).

Regarding Applicant's claim 54, Harvison discloses the panel further comprises a top basin (*i.e. second coat of paint, col. 2, line 45*) formed over the coating (*i.e. aluminum oxide particles, col. 2, lines 37-38*) and the uncoated region of the working surface (*col. 2, lines 44-46*).

Regarding Applicant's claim 55, Harvison discloses that the base resin (*i.e. first coat of paint, col. 2, line 32*) and the top basin (*i.e. second coat of paint, col. 2, line 45*) are made of the same material, since the reference discloses both layers are paint (*col. 2, lines 32-46*).

Regarding Applicant's claims 59 and 61, Harvison discloses the second material is aluminum oxide (*i.e. aluminum oxide particles, col. 2, lines 37-38*).

Allowable Subject Matter

6. Claims 6, 7, 9, 11-14, 16, 17 and 21 are allowed.

7. Claims 40-42, 45, 46, 58, 56, 58 and 60 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

These claims are allowable because they recite features that are not taught or suggested in the prior art of record.

REASONS FOR ALLOWANCE

8. The following is an examiner's statement of reasons for allowance:

The allowable base claims are: 6 and 16.

The closest prior art found is summarized above.

The prior art fails to teach or suggest the recited structural limitations of claim 6, such as a weather-resistant anti-slip panel comprising a cut-resistant anti-slip coating on a working surface of an inflexible substrate and a pattern of uncoated, cutting lines on the substrate, wherein the substrate is an unsaturated polyester based on an orthophthalic resin filled with e-glass fibre and has a Shore D hardness of between 80 and 100.

The prior art also fails to teach or suggest the recited structural limitations of claim 16, such as, a weather-resistant anti-slip panel comprising a cut-resistant anti-slip coating on a working surface of an inflexible substrate and a pattern of uncoated, cutting lines on the substrate, wherein the substrate is an unsaturated polyester based on an orthophthalic resin filled with e-glass fibre and has a maximum deflection of 25° when 1 kg is suspended from a fixed panel test piece 100 mm long x 20 mm wide x 3-3.5 mm thick.

In sum, the prior art of record fails to teach or suggest a weather resistant anti slip panel having all the features of the base claims.

9. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

ANSWERS TO APPLICANT'S ARGUMENTS

10. Applicant's arguments in the response filed April 5, 2004 regarding the 35 U.S.C. §112, first paragraph rejection of record have been considered but are moot since the rejections have been withdrawn.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia Chevalier whose telephone number is (571) 272-1490. The examiner can normally be reached on Monday through Friday from 8:00 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon, can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alicia Chevalier

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6/14/04